



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037-4128

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, FEBRUARY 7, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting is called at 6:00 p.m. for the purpose
of conducting a Closed Session.*

Dennis Kennedy, Mayor/Chairperson

6:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

CLOSED SESSION:

**Time
Estimate**

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9 © (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road
(St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner,
special counsel

Closed Session Topic: Potential Litigation

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Dalinda Bates
Planning Division

A.J. Gonzales
Police Department

PROCLAMATIONS

Future Business Leaders of America (FBLA) Week
Live Oak High School

CITY COUNCIL REPORT

Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #6 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **AUTHORIZE THE PURCHASE OF A REPLACEMENT VEHICLE FOR THE POLICE DEPARTMENT** 1
Recommended Action(s):
 1. **Authorize** the City Manager to Purchase a Replacement Vehicle for Use by the Police Hazardous Response Team,
 2. **Declare** the Existing Vehicle P80-501 as Surplus, and
 3. **Authorize** Disposal of Surplus Vehicle Through Auction.
2. **PURCHASE OF PUBLIC WORKS VEHICLES** 3
Recommended Action(s): **Authorize** Vehicle Purchases Through the State of California General Services Procurement Process for the Vehicles Identified in This Report for a Total Cost of \$79,307.34.
3. **AMENDMENT TO CONSULTANT AGREEMENT - HARRIS AND ASSOCIATES INSPECTION AND PROJECT COORDINATION FOR 2000 STREET RESURFACING PROJECT** 7
Recommended Action(s): **Approve** Amendment to the Consultant Agreement with Harris and Associates for Added Compensation of \$48,965 to Complete Construction Inspection and Project coordination Services for 2000 Street Resurfacing Project.

4.	<u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u>	13
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5452 Amending the Management, Professional and Confidential Employees Resolution No. 5320 to Reclassify Accounting Technician Classification as Confidential Non-Exempt Employee.	
5.	<u>COYOTE VALLEY GREENBELT</u>	21
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5453 in Support of Greenbelt Preservation.	
6.	<u>MID-YEAR 2000/01 BUDGET REVIEW</u>	69
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Transfer of \$244,000 to Community Center Operations Fund, and	
	2. <u>Approve</u> Proposed Mid-year Budget Adjustments for 2000/01.	

PUBLIC HEARINGS:

	Time Estimate		Page
7.	3 Hours	<u>APPLICATION ZA-00-09: ST. LOUISE - SAN JOSE CHRISTIAN COLLEGE</u>	73
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Motion to Adopt</u> Resolution of Denial.	
		Should the City Council Wish to <u>Approve</u> the Application Then: Action – <u>Motion to Approve</u> the Negative Declaration. Action- <u>Motion to Waive</u> the Reading in Full of the Approval Ordinance; <u>Motion to Introduce</u> Ordinance by Title Only.	
8.	15 minutes	<u>APPEAL OF CODE ENFORCEMENT ACTION - 17175 BIRCH WAY</u>	127
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action – <u>Motion to Determine</u> Whether to: 4. <u>Uphold</u> the Decision of the Hearing Officer Finding the Property in Violation of Municipal Code Section 18.56.130, and Assessing \$775.00 in Administrative Fines Against the Owner of the Property, Which Are Subject to Lien Against th Property; OR 5. <u>Deny</u> the Decision of the Hearing Officer; OR 6. <u>Modify</u> the Decision of the Hearing Officer.	

9.	1 minute	<u>EXCEPTION TO INSTALL STREET FRONTAGE IMPROVEMENTS AT 18980 MONTEREY ROAD</u>	149
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action – <u>Motion to Make</u> Finding That Installation on Such a Small Scale Would Be Uneconomical, Could Create a Safety Problem, and That Said Improvements Can Hereafter Be Installed More Economically and Efficiently as a Portion of a Larger Project, and Action – <u>Motion to Grant</u> Exception to the Requirement to Install Street Frontage Improvements with Payment in Lieu of the Proposed Improvements at 18980 Monterey Road for the Noah’s Ark Pre-school and Day Care.	

OTHER BUSINESS:

	Time Estimate		Page
10.	15 minutes	<u>ANIMAL CONTROL PROPOSALS (CONTINUED FROM 1/17/01)</u>	153
		<u>Recommended Action(s):</u> 7. <u>Review</u> Proposals to Enhance Animal Control Services, and 8. <u>Direct</u> Staff to Implement One or More of These Proposals and Draft Implementing Ordinances as Needed.	

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.
(Government Code Section 36934)
Action -- Adopt Ordinances by roll call vote.

11.	1 minute	<u>ADOPT ORDINANCE NO. 1495, NEW SERIES</u>	181
		An Ordinance of the City Council of the City of Morgan Hill Amending Chapter 2.12, Title 18 Divisions I and II, and Adding Chapter 2.56 of the Morgan Hill Municipal Code Establishing the Architectural and Site Review Board and Amending Specific Provisions Pertaining to Design Review.	
12.	1 minute	<u>ADOPT ORDINANCE NO. 1501, NEW SERIES</u>	199
		An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 559 New Series, by Rezoning 55 Acres Located at the Southeast Corner of Cochrane Road and Peet Road from County A-20 to City R-1(12,000). (APNs 728-34-003 & -004)	
13.	2 minutes	<u>ADOPT ORDINANCE NO. 1502, NEW SERIES AND ORDINANCE NO. 1503, NEW SERIES</u>	207
		<u>ORDINANCE NO. 1502, NEW SERIES</u> An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to Establish a Precise Development Plan for a 58 Lot Single-family Housing Project on a 20-acre Site Located on the South Side of E. Dunne Ave. Adjacent to the East Side of the Church Located at 1790 E. Dunne Ave. (APN 817-19-009& 49), and <u>ORDINANCE NO. 1503, NEW SERIES</u> An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement for a 40 Unit (2 Existing) Single-	

family Housing Project on a 20-acre Site Located on the South Side of E. Dunne Ave.
Adjacent to the East Side of the Church Located at 1790 E. Dunne Ave. (APN 817-19-
009& 49)

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
14.	10 minutes	<u>SELECTION OF LIBRARY ARCHITECT AND AGREEMENT FOR ARCHITECTURAL SERVICES FOR THE LIBRARY BUILDING PROJECT; AND AGREEMENT FOR CONTRACT NEGOTIATIONS</u> <u>Recommended Action(s): Authorize</u> the Executive Director to Negotiate, Prepare and Execute: 1. Contract with Noll & Tam Architects for Design Development and Construction Documents for the Library Building Project at a Cost Not to Exceed Their Proposed Fee but to Be Revised to Reflect a Negotiated Scope and Fee Which May Include the Following: Library and Civic Center Site Master Planning; Schematic Design; Prop 14 Application; Design Development Construction Documents; Construction Bidding; Construction Administration and Reimbursable Expenses, 2. Contract with Richard Sampson Associates for Negotiating the Architect's Agreement at a Cost Not to Exceed \$6,500, and 3. Confirm the Civic Center Site as the Location of the New Library Building.	215

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #15 through #18 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate		Page
		Consent Calendar: 1 - 10 Minutes	
15.		<u>APPROPRIATION OF FUNDS FOR RIGHT-OF-WAY ACQUISITION AND DESIGN SERVICES AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF BUTTERFIELD BOULEVARD EXTENSION FROM SAN PEDRO TO TENNANT</u> <u>Recommended Action(s):</u> <i>Redevelopment Agency Action:</i> 1. <u>Appropriate</u> \$1,851,660 from the Current Unappropriated RDA Fund Balance for Right-of-Way Acquisition for the Extension of Butterfield Boulevard from San Pedro to Tennant	225

and for Consultant Design of the Roadway, and

City Council Action:

2. **Authorize** the City Manager to Execute a Professional Services Agreement with MH Engineering for Design of Butterfield Boulevard from Tennant Avenue to San Pedro Avenue in the Amount of \$101,660.

16.	<u>APPROVAL OF JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES OF JANUARY 17, 2001 – IT</u>	231
17.	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES OF JANUARY 17, 2001</u>	255
18.	<u>APPROVAL OF JOINT REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MINUTES OF JANUARY 24, 2001</u>	257

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8
Property:	APN 817-13-001; 37.8 acres (soccer complex)
Negotiating Parties:	
For City:	City Manager, City Attorney, Public Works Director
For Property Owners:	Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation:	Price and Terms of Payment

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subsection (b) of Government Code section 54956.9 (one potential case)

3.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Property:	APN 817-13-001; 37.8 acres (Soccer Complex)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation:	Price and Terms of Payment

4.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	3.85, 9.04, and 17.58 acre parcels located on the east side of Condit Road, bound be Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APNs 817-13-008 & 011 and 017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	T&C Development, LTD Partnership; Kathleen Sergi, Virginia Lomanto Trustee

Closed Session Topic: Acquisition of Real Property

5.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION & CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code Section 54956.8 & 54956.9©
Property: APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)

Negotiating Parties:
 For Property Owners: Costa Family Partners
 For City: Director of Public Works; F. Gale Connor; City Manager, City Attorney
Under Negotiation: Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT